

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

August 13, 2001

IN RE:)	
)	
DOCKET TO ESTABLISH)	DOCKET NO.
GENERIC PERFORMANCE)	01-00193
MEASUREMENTS, BENCHMARKS)	
AND ENFORCEMENT)	
MECHANISMS FOR BELL SOUTH)	
TELECOMMUNICATIONS, INC.)	

**ORDER GRANTING PETITION OF KMC TELECOM III, INC. AND
KMC TELECOM V, INC. FOR LIMITED INTERVENTION**

At a regularly scheduled Authority Conference held on February 21, 2001, the Directors voted unanimously to appoint Director H. Lynn Greer, Jr. to act as Pre-Hearing Officer in these matters to prepare the docket for a hearing. This matter came before the Pre-Hearing Officer upon the Petition of KMC Telecom, III, Inc. and KMC Telecom V, Inc. for Limited Intervention.

KMC Telecom, III, Inc. and KMC Telecom V, Inc. filed their Petition for Limited Intervention on August 10, 2001, requesting an Order from the Tennessee Regulatory Authority ("Authority" or "TRA") allowing them to intervene in this proceeding. They request permission to: (1) attend the hearing in this case, scheduled for August 20 through 24, 2001, for the limited purposes of entering the personal appearance of their counsel and monitoring the proceeding, (2) receive any and all submissions; and (3) file

all documents permitted under the Authority's procedural schedule.¹

Criteria for Permitting Interventions

Tenn. Code Ann. § 4-5-310(a) sets forth the following criteria for granting petitions for intervention:

4-5-310. Intervention

(a) The administrative judge or hearing officer shall grant one (1) or more petitions for intervention if:

- (1) The petition is submitted in writing to the administrative judge or hearing officer, with copies mailed to all parties named in the notice of the hearing, at least seven (7) days before the hearing;
- (2) The petition states facts demonstrating that the petitioner's legal rights, duties, privileges, immunities or other legal interest may be determined in the proceeding or that the petitioner qualifies as an intervenor under any provision of law; and
- (3) The administrative judge or hearing officer determines that the interests of justice and the orderly and prompt conduct of the proceedings shall not be impaired by allowing the intervention.

Having reviewed and considered the Petition for Limited Intervention, the undersigned Pre-Hearing Officer finds that said Petition complies with the requirements of Tenn. Code Ann. § 4-5-310. The interests of justice and the orderly and prompt conduct of the proceedings will not be impaired by allowing the intervention. Pursuant to Tenn. Code Ann. § 4-5-310, the Petition of KMC Telecom, III, Inc. and KMC Telecom V, Inc. for Limited Intervention is granted.

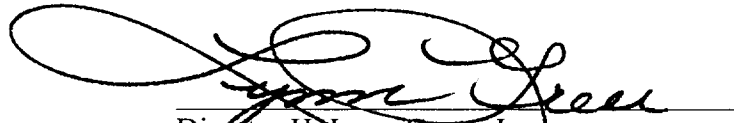
IT IS THEREFORE ORDERED:

1. The Petition of KMC Telecom, III, Inc. and KMC Telecom V, Inc. for Limited Intervention is granted. KMC Telecom, III, Inc. and KMC Telecom V, Inc. are

¹ See Docket to Establish Generic Performance Measurements, Benchmarks and Enforcement Mechanisms for BellSouth Telecommunications, Inc.; TRA Docket No. 01-00193; Petition of KMC Telecom III, Inc. and KMC Telecom V, Inc. for Limited Intervention, ¶4 (filed August 10, 2001).

permitted to participate in this docket to the extent set forth in their Petition; and

2. Any party aggrieved by the decision of the Pre-Hearing Officer in this matter may filed a Petition for Appeal with the Tennessee Regulatory Authority.



Director H. Lynn Greer, Jr.
Pre-Hearing Officer



K. David Waddell, Executive Secretary